

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	Case No. 8:13CR105
)	
Plaintiff,)	
)	OBJECTION TO ORDER DENYING
-vs-)	SEVERANCE
)	
)	
TIMOTHY DEFOGGI,)	
)	
Defendant.)	

COMES NOW the Defendant, by and through counsel, and hereby objects to several portions of the Order issued by Judge Magistrate Thomas D. Thalken in relation to Defendant's Motion to Sever.

Specifically, the Defendant objects to

1. The court's finding that the indictment points to a single conspiracy in which both defendants participated; and
2. The court's assertion that the jury will not have a difficult time compartmentalizing the evidence pertaining to each defendant and that any undue prejudice can be cured by a limiting instruction.

The Defendant submits a brief contemporaneously herewith which outlines the legal arguments supporting the objections.

Respectfully submitted,
Timothy Defoggi, Defendant

/s/ John S. Berry
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Michael Norris, Assistant U.S. Attorney and Keith A. Becker, U.S. Department of Justice, by electronically serving a copy of the same to both via CM/ECF, on this the 21st day of May, 2014.

/s/ John S. Berry
John S. Berry, #22627